

HOUSE BILL 2891

By Watson

AN ACT to amend Tennessee Code Annotated, Title 29;
Title 39; Title 55, Chapter 12 and Title 56, Chapter
7, relative to motor vehicle financial responsibility.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-12-139, is amended by adding the following as a new subsection thereto:

(g)

(1) In addition to any other fine or penalty under state or federal law, where an owner or operator of a motor vehicle is in violation of subsection (c) and does not have financial responsibility in effect at the time of an accident for which notice is required under § 55-10-106, that owner or operator shall not recover, in a civil action arising out of the accident, noneconomic damages in excess of the limits specified under § 55-12-102(12)(D) against an owner or operator of a motor vehicle who has financial responsibility in effect at the time of the accident.

(2) Notwithstanding § 20-9-302, the fact that an owner or operator of a motor vehicle cannot recover noneconomic damages in excess of the limits provided under subdivision (1) shall not be disclosed to the jury. The court shall reduce any compensatory damages award made to that owner or operator by the amount awarded for noneconomic damages in excess of the limits.

(3) This subsection (g) shall not apply where a tortfeasor with financial responsibility in effect at the time of the accident:

(A) Was under the influence of drugs or alcohol; or

(B) Acted maliciously, intentionally, fraudulently or recklessly.

(4) This subsection (g) shall not prevent recovery of noneconomic damages in excess of the limits by a passenger.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it, and shall apply to all claims arising on or after that date.